

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Hon. David W. Christel
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LIAM RILEY and SARAH RILEY,
individually and the marital community
comprised thereof,

NO. 3:19-CV-06193

Plaintiffs,

MOTION TO WITHDRAW AS
PLAINTIFFS' COUNSEL OF
RECORD PURSUANT TO LCR
83.2(b)(1)

v.
CITY OF TACOMA, a municipal
corporation; and TACOMA FIRE
DEPARTMENT, a municipal department,

AND DECLARATION OF
COUNSEL

Defendants.

NOTED FOR HEARING:
FRIDAY, NOVEMBER 27, 2020

I. MOTION TO WITHDRAW

COMES NOW Attorney Rebecca M. Larson and DAVIES PEARSON , P.C., and respectfully moves the court for an order allowing counsel to withdraw as attorneys of record for Plaintiffs Liam and Sarah Riley in the above referenced matter. This motion is made pursuant to LCR 83.2(b)(1) and based on the subjoined declaration of counsel.

MOTION TO WITHDRAW AS PLAINTIFFS'
COUNSEL OF RECORD PURSUANT TO LCR
83.2(b)(1) AND DECLARATION OF COUNSEL

Page 1 of 5

NO. 3:19-CV-06193

jw / s:\25xxx\254xx\25409\l\pleadings\mot to withdraw\mot and decl. to wd.docx

DAVIES PEARSON, P.C.
ATTORNEYS AT LAW
920 FAWCETT -- P.O. BOX 1657
TACOMA, WASHINGTON 98401
TELEPHONE (253) 620-1500
TOLL-FREE (800) 439-1112
FAX (253) 572-3052

1
2 RESPECTFULLY SUBMITTED this 11th day of November, 2020.
3
4

5 By: /S/ REBECCA M. LARSON
6 REBECCA M. LARSON, WSBA# 20156
7
8

9 DAVIES PEARSON, P.C.
10 Attorneys for Plaintiffs
11 920 Fawcett Avenue, PO Box 1657
12 Tacoma, WA 98401
13 Tel: (253) 620-1500
14 Fax: (253) 572-3052
15 rlarson@dpearson.com
16
17

18 **II. DECLARATION OF COUNSEL**
19

20 COMES NOW Rebecca M. Larson, under penalty of perjury under the laws of the
21 State of Washington, and deposes and testifies as follows:

22 1. I am the attorney of record for Plaintiffs Liam and Sarah Riley in this matter,
23 I make this declaration based upon personal knowledge, and I am competent to make the
24 same.

25 2. Due to changes within my firm's practice area, I informed Plaintiff Liam
26 Riley in early 2020 that I would not be able to continue to represent him and his wife Sarah
in this matter going forward through trial, but that I would remain as his representative

27 MOTION TO WITHDRAW AS PLAINTIFFS'
28 COUNSEL OF RECORD PURSUANT TO LCR
29 83.2(b)(1) AND DECLARATION OF COUNSEL
30 Page 2 of 5
31 NO. 3:19-CV-06193

32 jw / s:\25xxx\254xx\25409\l\pleadings\mot to withdraw\mot and decl. to wd.docx

33 **DAVIES PEARSON, P.C.**
34 ATTORNEYS AT LAW
35 920 FAWCETT -- P.O. BOX 1657
36 TACOMA, WASHINGTON 98401
37 TELEPHONE (253) 620-1500
38 TOLL-FREE (800) 439-1112
39 FAX (253) 572-3052

1 until he could seek replacement counsel. Mr. Riley advised me that he was interviewing
2 other counsel after I advised him of my intent to withdraw.

3 3. In light of the COVID-19 pandemic situation and its effect on litigation in
4 general, I did not withdraw earlier in the year, hoping that Mr. Riley would be able to retain
5 replacement counsel. Many months have now passed, however, and Mr. Riley advises that
6 he is still seeking substitute counsel, so far unsuccessfully.
7

8 4. In addition to changes occurring within my firm, it also recently has become
9 clear that Mr. Riley and I do not view this case in the same manner and do not agree on the
10 best path for moving forward. Without violating attorney/client privilege, it is my belief
11 that I cannot continue to represent Mr. Riley and his wife and to prosecute this litigation
12 on their behalf. For that reason, I am moving the court for leave to withdraw.
13

14 5. This matter is currently set for trial on October 18, 2021, over 11 months in
15 the future. Pursuant to the Order Amending Case Schedule (Dkt. 21), the next deadline of
16 any type is not until the Expert Witness Disclosure/Report Deadline of March 15, 2021,
17 and the discovery deadline is May 17, 2021. Written discovery has been conducted, and
18 both Plaintiffs and Defendants have recently exchanged interrogatory answers and
19 document production. As such, I believe that this is an appropriate time for me to
20 withdrawal and that it will not prejudice any of the parties involved.
21
22
23

24 MOTION TO WITHDRAW AS PLAINTIFFS'
25 COUNSEL OF RECORD PURSUANT TO LCR
26 83.2(b)(1) AND DECLARATION OF COUNSEL
Page 3 of 5
NO. 3:19-CV-06193

jw / s:\25xxx\254xx\25409\l\pleadings\mot to withdraw\mot and decl. to wd.docx

DAVIES PEARSON, P.C.
ATTORNEYS AT LAW
920 FAWCETT -- P.O. BOX 1657
TACOMA, WASHINGTON 98401
TELEPHONE (253) 620-1500
TOLL-FREE (800) 439-1112
FAX (253) 572-3052

1 6. Prior to the filing of this motion, I advised Mr. and Mrs. Riley that I intended
2 to move to withdraw, and I have also advised defense counsel of the same. I hereby certify
3 that a copy of this motion has been served on both Mr. and Mrs. Riley and opposing
4 counsel, as indicated below in the Certificate of Service.

5 7. As the Plaintiffs will be left at least temporarily without representation, I
6 am including their current contact information in compliance with the Local Rules.
7

8 Liam and Sarah Riley
9 7105 44th Avenue E.
10 Tacoma, WA 98443
11 (206) 769-6376 (Liam Riley Cell Phone)
12 (253) 307-1846 (Sarah Riley Cell Phone)

13 I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
14 STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

15 SIGNED at Tacoma, Washington this 11th day of November, 2020.

16 By: /S/ REBECCA M. LARSON
17 REBECCA M. LARSON, WSBA# 20156

18
19
20
21
22
23
24 MOTION TO WITHDRAW AS PLAINTIFFS'
25 COUNSEL OF RECORD PURSUANT TO LCR
26 83.2(b)(1) AND DECLARATION OF COUNSEL
Page 4 of 5
NO. 3:19-CV-06193

jw / s:\25xxx\254xx\25409\l\pleadings\mot to withdraw\mot and decl. to wd.docx

DAVIES PEARSON, P.C.
ATTORNEYS AT LAW
920 FAWCETT -- P.O. BOX 1657
TACOMA, WASHINGTON 98401
TELEPHONE (253) 620-1500
TOLL-FREE (800) 439-1112
FAX (253) 572-3052

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jennifer J Taylor jtaylor@ci.tacoma.wa.us, gcastro@ci.tacoma.wa.us,
sblack@ci.tacoma.wa.us

Michelle Yotter mvotter@cityoftacoma.org, BPittman@ci.tacoma.wa.us,
gcastro@ci.tacoma.wa.us, sblack@cityoftacoma.org

and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: **N/A**

I also hereby certify that on this date I sent copies of the foregoing filing to Plaintiffs via e-mail at the following:

Liam Riley - locofomocoracing@gmail.com

Sarah Riley - sarahandliamriley@gmail.com

and I hereby certify that I have mailed by United States Postal Service the documents to
Mr. and Mrs. Riley at the following address:

7105 44th Avenue E.
Tacoma, WA 98443

SIGNED at Tacoma, Washington this 11th day of November, 2020.

By: /S/ JODY M. WATERMAN
JODY M. WATERMAN, Legal Assistant

MOTION TO WITHDRAW AS PLAINTIFFS'
COUNSEL OF RECORD PURSUANT TO LCR
83.2(b)(1) AND DECLARATION OF COUNSEL

Page 5 of 5

NO. 3:19-CV-06193

DAVIES PEARSON, P.C.
ATTORNEYS AT LAW
920 FAWCETT -- P.O. BOX 1657
TACOMA, WASHINGTON 98401
TELEPHONE (253) 620-1500
TOLL-FREE (800) 439-1112
FAX (253) 572-3052